

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4 UNITED STATES OF AMERICA,  
5 Plaintiff,  
6 v.  
7 JAMES MORGAN,  
8 Defendant.

Case No. 09-cr-00368-CW-1

ORDER TO SHOW CAUSE RE:  
JOHNSON CLAIM RAISED IN  
SECTION 2255 MOTION

9  
10 Before the Court is the motion of James Morgan (Movant) for  
11 an order under 28 U.S.C. § 2255 to vacate, set aside or correct  
12 his sentence on the ground that his sentence has been rendered  
13 invalid by the Supreme Court's holdings in Johnson v. United  
14 States, 135 S. Ct. 2551 (2015) and Sessions v. Dimaya, 138 S. Ct.  
15 1204 (2018).

16 The following deadlines will apply: (1) within 75 days after  
17 the § 2255 motion was filed, the government shall file an  
18 opposition conforming in all respects to Rule 5 of the Rules  
19 Governing Section 2255 Proceedings, showing cause why the court  
20 should not "vacate, set aside or correct the sentence" being  
21 served by Movant; (2) Movant shall file a reply brief 45 days  
22 after the opposition is filed.

23 Thereafter, the matter will be deemed submitted on the  
24 papers.

25 IT IS SO ORDERED.

26  
27 Dated: September 4, 2018



28 CLAUDIA WILKEN  
United States District Judge